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Sunday, April 8, 2007
07-1071

Dear Margaret Carter,

My name is Noel Neff, an inmate at Low Security Correctional Institution Allenwood in Pennsylvania. I am writing to you today regarding my attempt to obtain forma pauperis status in the district court. I am enclosing the completed "Affidavit to Accompany Motion for Leave to Appeal in Forma Pauperis" which your office recently mailed to me.

I apologize for the delay in the completed form reaching you. Because of my transfer from the Plymouth (Mass.) County Correctional Facility to the Federal Bureau of Prisons in early February, I spent almost one month as an "in-transit" inmate, first spending three weeks at MDC Brooklyn before finally arriving at Allenwood, where I was required to spend my first week in administrative detention ("the hole") until bed space opened up on the compound in early March. I was essentially "out of the loop" in terms

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FILED IN CLERK'S OFFICE
US COURT OF APPEALS
FOR THE FIRST CIRCUIT

of appeals process. Meanwhile, my attorney of — Francis L. O'Reilly of Fairfield, Conn. — provided me only with minimal assistance since initial sentencing on Dec. 13, 2006. The bottom line is that I no longer can afford his services and he feels no moral obligation to help me further.

Obviously I intend to proceed without Mr. O'Reilly's resources. I do not want to default on my appeal. I am responding to your request directly before the April 17, 2007, deadline so as to avoid the possibility of dismissal of my appeal.

On the enclosed affidavit, I have attempted to provide your office with the necessary information needed to determine my financial status and, subsequently, the need for a court-appointed public defender who specializes in federal appeals cases, to represent me.

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On the affidavit, I found some of the questions to be ambiguous and difficult to answer, primarily because I am an unmarried male with no dependents and no remaining outside sources of income. Because of two recent stretches of unemployment, I have incurred credit-card debt exceeding \$45,000 — debt that only will increase during my remaining 52 months of incarceration.

My siblings have pitched in to provide funds for my institutional account as well as my bank joint-checking account, allowing for my minimum financial obligations (life insurance, credit-card payments, mobile home rent, etc.) to be met.

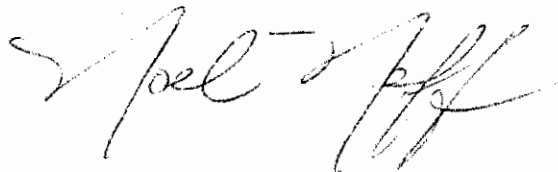
I have no assets to sell off at this point that would enable me to pay a private attorney. Therefore, I place myself at the mercy of the clerk of the court of appeals to give me forma pauperis status for the purpose of me obtaining a public defender who will represent me throughout the appeals process.

If I have neglected to provide your office with sufficient information in this matter, please notify me directly so that I may personally address your concerns.

Finally, I apologize for not using a typewriter to construct this letter. That would have meant a delay in you receiving this correspondence — a risk I could not afford.

Thank you for your consideration. I look forward to your response.

Respectfully,

A handwritten signature in cursive script, appearing to read "Noel Neff".

NOEL NEFF

DC # 05-cr-10184 No. 07-1071

**Affidavit to Accompany
Motion for Leave to Appeal in Forma Pauperis**

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District Court No. 05-cr-10184 FILED IN CLERKS OFFICE
Appeal No. 07-1071 US COURT OF APPEALS
FOR THE FIRST CIRCUIT

UNITED STATES
Appellee,
v.
NOEL NEFF
Defendant, Appellant.

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: [Signature]

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 4/8/07

My issues on appeal are:

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>500</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Gifts	\$ <u>75</u>	\$ <u>N/A</u>	\$ <u>100</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Total Monthly income:	\$ <u>575</u>	\$ <u>N/A</u>	\$ <u>100</u>	\$ <u>N/A</u>

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)

Employer	Address	Dates of Employment	Gross monthly pay
<u>WRC MEDIA</u>	<u>Stamford, CT</u>	<u>Feb. 2001 - July 2005</u>	<u>\$ 3,500</u>
<u>mysportsguru.com</u>	<u>Fairfield, CT</u>	<u>June 1999 - April 2000</u>	<u>\$ 4,200</u>
<u>St. Petersburg Times</u>	<u>St. Petersburg, FL</u>	<u>Nov. 1997 - June 1999</u>	<u>\$ 3,500</u>

3. List your spouses's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions) (not married)

Employer	Address	Dates of Employment	Gross monthly pay
<u>N/A</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. How much cash do you and your spouse have? \$ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
<u>Wachovia</u>	<u>Joint checking</u>	<u>< \$ 1,000</u>	<u>\$ N/A</u>
<u>—</u>	<u>—</u>	<u>\$ 0</u>	<u>\$ N/A</u>
<u>—</u>	<u>—</u>	<u>\$ 0</u>	<u>\$ N/A</u>

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

My caseworker is processing this request. I will forward the statement to your office when completed.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value)	Other real estate (Value)	Motor Vehicle #1 (Value)
<u>Mobile home (\$30,000)</u>	<u>N/A</u>	<u>Make & year: 1996 Saturn (\$1,800)</u>
<u>Squire Drive</u>		<u>Model: SL1</u>
<u>Gainesville, FL</u>		<u>Registration#: N/A</u>
Motor Vehicle #2 (Value)	Other assets (Value)	Other assets (Value)
<u>Make & year: 2003 Honda (\$5,000)</u>	<u>N/A</u>	<u>N/A</u>
<u>Model: Civic SI</u>		
<u>Registration#: N/A</u>		

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>		

7. State the persons who rely on you or your spouse for support. (NO DEPENDENTS)

Name	Relationship	Age
<u>N/A</u>		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>600</u>	\$ <u>N/A</u>
Are any real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and Telephone)	\$ <u>100</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>50</u>	\$ <u>N/A</u>
Food	\$ <u>0</u>	\$ <u>N/A</u>
Clothing	\$ <u>0</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>N/A</u>
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in Mortgage payments)	\$ <u>0</u>	\$ <u>N/A</u>
Homeowner's or renter's	\$ <u>0</u>	\$ <u>N/A</u>
Life	\$ <u>80</u>	\$ <u>N/A</u>
Health	\$ <u>0</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in Mortgage payments)(specify): _____	\$ <u>0</u>	\$ <u>N/A</u>
Installment payments	\$ <u>0</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Credit card (name): <u>Multiple accounts</u>	\$ <u>500</u> *	\$ <u>N/A</u>
Department store (name): _____	\$ <u>0</u>	\$ <u>N/A</u>
Other: <u>—</u>	\$ <u>0</u>	\$ <u>N/A</u>

* minimum payment total for 5 cards

Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>N/A</u>
Regular expenses for operations of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>1,330.00</u>	\$ <u>N/A</u>

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? ☒ Yes ☐ No

If yes, how much? \$ 37,500 * * for trial preparation

If yes, state the attorney's name, address, and telephone number:

Francis L. O'Reilly
857 Ruane St.
Fairfield, CT 06824 (203) 319-0707

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? \$ —

If yes, state the person's name, address, and telephone number:

N/A

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

In order to pay my \$60,000 in pretrial attorney's fees (to two lawyers), I exhausted my \$83,000 retirement savings. I have no more resources to tap into to pay for my appeal. My credit-card debt exceeds \$45,000. My name remains on a joint-checking account of which less than \$1,000 of the balance is mine.

13. State the address of your legal residence.

I no longer have a permanent residence

Your daytime phone number: () N/A

Your age: 48 Your years of schooling: 16

[REDACTED]